

DAVID D. FISCHER, SBN 224900
LAW OFFICES OF DAVID D. FISCHER, APC
5701 Lonetree Blvd Ste 312
Rocklin, CA 95765
Telephone: (916) 447-8600
Facsimile: (916) 930-6482
E-mail: david.fischer@fischerlawoffice.com

Attorney for Defendant
FRANK GOWANS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK GOWANS, JR.,

Defendant.

CASE NO. 2:21-CR-00035 JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: January 11, 2022
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

This case is set for a status conference on January 11, 2022. By this stipulation, the parties request a continuance of the status conference to February 1, 2022 at 9:30 a.m., and to exclude time under Local Code T4, for the reasons set forth below.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 11, 2022.
2. By this stipulation, defendants now move to continue the status conference until February 1, 2022, and to exclude time between January 11, 2022, and February 1, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The defense needs more time to address the defendant's medical issues.
 - b) The government has provided discovery associated with this case to date.

1 c) Counsel for defendant needs additional time to address the defendant's medical
2 conditions, review the discovery in this case, to conduct independent factual investigation, to
3 research trial and sentencing issues, to consult with their clients, and to otherwise prepare for
4 trial.

5 d) Counsel for the defendant has also been preparing for trial in other cases in this
6 district and in state court. A continuance is needed for continuity of counsel.

7 e) Counsel for the defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 f) The government does not object to the continuance.

11 g) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of January 11, 2022 to February 1,
16 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis
18 of the Court's finding that the ends of justice served by taking such action outweigh the best
19 interest of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 //

24 //

25 //

26 //

27 //

1 IT IS SO STIPULATED.

2
3
4 Dated: January 6, 2022

PHILLIP A. TALBERT
Acting United States Attorney

5
6 /s/ JASON HITT
JASON HITT
Assistant United States Attorney

7
8
9
10 Dated: January 6, 2022

/s/ David D. Fischer
David D. Fischer
Counsel for Defendant
FRANK GOWANS, JR.

11
12
13
14
15 **FINDINGS AND ORDER**

16 IT IS SO FOUND AND ORDERED this 7th day of January, 2022.

17
18 /s/ John A. Mendez
19 THE HONORABLE JOHN A. MENDEZ
20 UNITED STATES DISTRICT COURT JUDGE
21
22
23
24
25
26
27
28